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Atari Online News, Etc.
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->From the Editor's Keyboard "Saying it like it is!"
"*****"

We're a week past Thanksgiving, and unfortunately, there are no more turkey remnants to be found in my house! Oh well, it was another good year for leftovers, but all good things must come to an end. It just means more to look forward to until next year!

So, how are things going in Washington, D.C. these days? More politics as usual, or so it appears to me! The soap opera will continue right up until the last few minutes - and then there will be a "miraculous" compromise that will make one party look to be the hero! Wait and see!

So, meanwhile, we're finishing up the last clean-up touches in our fall yard maintenance. We're just about done, braving the unusual cold weather we've been having the past few weekends. We're ready for winter, but hoping it's not going to be a bad one. One like last year would be terrific!

Until next time...

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->In This Week's Gaming Section - Wii U Sells Out in First Week!
"*****" Xbox 720, Sooner than Later!
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And much more!

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->A-ONE's Game Console Industry News - The Latest Gaming News!
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The Wii U Sells Out in Its First Week

The latest console from the videogame pioneer is flying off the shelves. But are the kids really still into Mario and Zelda?

Earlier this year, Nintendo posted its first annual loss in three decades, a grim omen for the pathbreaking videogame maker that introduced the world to classic characters like Mario, Donkey Kong, and Link. The Japanese company has struggled amidst an industry-wide decline in the sales of consoles and games, a trend partly attributed to the ever-growing popularity of tablets and smartphones. Nintendo's last breakout success was the Wii, released in 2006, and there have been serious doubts that its successor, the Wii U, could sell as many units. However, since the Wii U went on sale in North America on Nov. 18, Nintendo has completely sold out of all 400,000 consoles shipped to retailers. "As soon as the Wii U hits the shelf, it's selling out," said Reggie Fils-Aime, the head of Nintendo's U.S. operations.

The Wii U's early success is a surprising indication of "strong demand for the company's next generation of videogame devices," says Ian Sherr at The Wall Street Journal. And during the week of Nov. 18, Nintendo also sold 300,000 units of the original Wii, as well as more than 500,000 units of its portable DS and 3DS systems, which could reflect a rebound in consumer demand as the economy continues its long slog of a recovery from the Great Recession. Nintendo says it expects to sell 5.5 million Wii U systems by the end of March 2013, the end of its fiscal year.

However, it's important to remember that "Nintendo has a very dedicated audience that craves almost anything new the company has to offer, not unlike Apple's fans," says Nick Wingfield at The New York Times. "The real test of the Wii U's durability will come when the product is in better supply and more casual gamers, who don't dream about Mario and Zelda in their sleep, can more easily buy it." In addition, rivals Sony and Microsoft are expected to unveil their new consoles sometime in 2013, putting extra pressure on Nintendo.

And perhaps most importantly, Nintendo has to sell games. The Wii U which retails for \$299.99, and \$349.99 for a more powerful model is being sold at a loss. Nintendo hopes that users will continue to buy games in the years to come, particularly those that aren't sold on other systems, such as the latest installments in the "Super Mario Bros." and "Legend of Zelda" franchises. That's among the keys to Nintendo's future profitability.

The Xbox 720 Is Coming Sooner Than Anyone Anticipated

After almost three years without an update, and with Windows 8 sales flailing, Microsoft will release a new Xbox just in time for Christmas next year, sources told Bloomberg's Dina Bass and Ian King. Last year Microsoft had said that it wouldn't release a new version of the gaming system "anytime soon," with other sources talking up a date sometime in 2013 "at the earliest." This new Christmas launch makes perfect sense for the video-game nerd anticipated "Xbox 720," as the rumorers refer to it. An Xbox is one of those it toys that gets people lining up at 3 a.m. during holiday shopping craziness. Even the aging 360 console has managed to double the sales of the new Nintendo Wii so far this holiday season, according to numbers from the NDP Group. Microsoft hasn't put out an entirely new console since 2005, which led to riots during Black Friday of that year.

And Microsoft needs a super-anticipated something, since Windows 8 sales fell so flat this year. After whispers that the new operating system wasn't selling well, NDP research group found that sales fell 21 percent for new computers running Windows. The research group doesn't measure sales from Microsoft stores or online, but Microsoft has said most of its sales come from third-party retailers like Best Buy anyway. Windows 8 tablet sales were almost "nonexistent" said the report, making up just 1 percent of all Windows 8 sales. Yeesh. However, Microsoft CEO Steve Ballmer has said he is playing the long game on this one, claiming that people will get used to the new look and when they do fall in love with it. Maybe the people will line up for Windows 8 next year, too?

If not, though, the new Xbox sounds like an upgrade that will get gamers excited and buying. As for what exactly the gadget will look like, the rumorers say it will be cheaper and smaller than the 360, which retails starting at \$300. In addition, it will have an updated Kinect controller, a quad core processor, 8GB Ram, Blu-Ray, and augmented reality glasses, according to "leaked reports."

You Could Win This Atari 2600 Edition Xbox 360 Console!

PONG. What's the first thing you think of when you see that word? For me, it's the classic Atari arcade game that started all of the video game madness we're accustomed to today. Now, Atari is celebrating Pong's 40th anniversary with a once-in-a-lifetime contest for all of the fans.

Do you see the awesome Atari 2600-style Xbox 360 console above? Well, that bad boy could be yours. All you have to do for chance to win it is head past the break and answer one simple question...

That's right, Atari is giving away an awesome Atari 2600-themed Xbox 360, and we're going to help them do it. The image below asks the question, What was the name of the location where the first PONG arcade cabinet was placed? The word search below contains the answer. Once you've found it you'll need to head over to Atari's official Facebook page and submit your answer. Ready? GO!

In addition to the awesome contest celebrating Pong's 40th b-day, today also marks the release of "Pong World" the \$50,000 grand prize winner of the Pong Indie Developer Challenge and the first-ever official PONG game for smartphones and tablets. Pretty cool, right? You can download the game right now from the App Store.

Okay, now to recap. The official Atari Xbox 360 contest question is, What was the name of the location where the first PONG arcade cabinet was placed?

I know it's tempting to hit the comments section to ask us what the answer is, but WE WILL NOT TELL YOU! Where's the fun in that? Good Luck!

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Bushnell was described by ex-employees as attending board meetings in a

T-Shirt saying 'I love to f**k', and smoking joints openly in meetings.

His company would epitomise the slacker management style of California tech start-ups years later.

Rock music filled the production line, rumours about marijuana-fuelled board meetings spread and the legend of Pong was one of Atari's biggest claims to fame - the other being an employee by the name of Steve Jobs. The demo game was intended to lead the way to Bushnell's dream - to create a driving simulation. The game - which involved two bats and a ball - was beamed on to a screen and players simply competed for points like a game of tennis.

The demo was called Pong and it was eventually released as an arcade cabinet, becoming one of the most successful and influential video games in the world. Competitive, two player gaming had never been so simple, addictive or as exciting.

The creation and release of Pong wasn't easy however. Atari was contracted to make a video game and a pinball machine for Bally Midway during the development cycle of Pong but, after discovering the success of Pong in testing sessions, they convinced Bally Midway that they could build a better game, not wanting to lose the game to someone else.

Shortly after Atari convinced Bally Midway to wait for their next game project, Bally Midway terminated the entire contract, meaning Atari and owned the rights to Pong. The bluff had worked.

The prototype Pong model consisted of a wooden box, a second hand black and white Hitachi TV and the electrical components to drive the game.

During one year, a staggering 3,500 Pong arcade cabinets were made and sold after Bushnell sold 300 cabinets in one hour after his first attempt at a sales call.

At this point in time, Nintendo was making traditional playing cards and the game development firm behind big budget epics like Metal Gear Solid and Pro Evolution Soccer were making juke box machines in Japan. Atari and Pong had created something that would define video games forever and Nolan Bushnell knew it.

Pong Celebrates Birthday in Style

Atari celebrated the 40th birthday of its creation Pong by transforming a 22-story building in Kansas City into a giant game of the seminal video game.

According to Downtown KC, Atari worked with the Downtown Council and members of the City Lights organising committee to bring the game to life on the side of the Downtown Marriott. It was part of the city's Lights festival, which marks the start of the Salvation Army's annual Christmas fund-raising drive.

It hasn't yet been made official but it's hoped that the Guinness Book of World Records will certify this as 'The World's Largest Game of Pong'. Have you seen bigger? Come on, it's on the side of a big building. What more do you want?

The game took place last week on Friday 16th, November.

Pong is recognised as one of the very first arcade cabinets, and if you don't know (but you probably do), it's is a simplified version of table tennis with minimalist graphics. Allan Alcorn created the game in response to a training exercised set for him by Atari co-founder Nolan Bushnell. The game went onto achieve mainstream popularity. If you want to know more about Atari and the genesis of its most famous game, read our editorial celebrating the 40th Birthday of Atari.

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Obama's War on Hackers: 5 Things You Need To Know

Here's a campaign promise we didn't hear much during the 2012 presidential election: President Obama will keep hackers out of America's water supply. It seems like something from the latest 007 movie but the Obama administration is taking the threat seriously. He proclaimed October National Cyber Security Awareness month, beefed up the military's cybersecurity defenses in a secret directive, and supported (failed) legislation that would have protected the nation's infrastructure from hackers. Now, the president is expected to issue an executive order to accomplish that latter goal, a move that is drawing criticism from House and Senate Republicans. Here's what you need to know:

1. It's about defense, not offense

The order aims to protect U.S. infrastructure, which is increasingly connected to the internet. Hypothetically, a hacker could use the web to poison a local water supply, or even turn off New York City's electricity.

Joel Brenner, former senior counsel at the National Security Agency, told PBS NewsHour that the threat is real: "A number of people in the intelligence business have seen the Iranian, the Chinese, and the Russians inside of some of our critical systems."

If you think utility companies are proactively stopping these attacks without government prodding, think again: "These companies aren't even investing for reliable power," says Richard Bejtlich, the chief security officer at Mandiant. "Security is just way outside their realm of concern."

2. The Department of Defense supports it

There's plenty that President Obama and Defense Secretary Leon Panetta don't agree upon like across-the-board defense cuts but they're on the same page when it comes to cybersecurity. Panetta, who supported the same

failed legislation as Obama, said last month that "a cyber attack perpetrated by nation states or violent extremists groups could be as destructive as the terrorist attack on 9/11... [it] could virtually paralyze the nation."

3. It's not SOPA

Remember when you couldn't get on Wikipedia for 24 hours (and high-school students couldn't write their papers)? It was part of a widespread protest against the Stop Online Piracy Act (SOPA). The bill, which was designed to protect online intellectual property, drew opposition from companies who claimed it would clamp down on free speech.

Some conservatives are trying to draw parallels between Obama's cybersecurity order and SOPA, but that's not accurate. SOPA dealt with intellectual property, while the order would focus on utility companies.

4. The order's information-sharing makes people nervous

The Obama administration will likely ask companies to participate in a voluntary program where they have to meet certain cybersecurity standards. But the government may also start providing incentives for companies who participate, like giving them preference in federal contracts. This kind of semi-mandated information-sharing makes good government experts uncomfortable.

"Any action by any occupant of the White House on an executive order that mandates the collection of data across federal agencies worries me," ACLU Executive Director Anthony Romero told the Los Angeles Times. "We've had President Bush, and when you use executive order powers for good reasons, you'll find them used and turned right on us."

Mark Jaycox, a policy analyst at the Electronic Frontier Foundation, agrees that "information-sharing is a slippery slope."

5. Obama won't wait for legislation

Republicans are criticizing the idea of an executive order because they're against unilateral oversight of the internet. But Obama already tried the legislative route, and is now likely to move ahead with the order regardless.

"The current prospects for a comprehensive bill are limited and the risk is too great for the administration not to act," says Caitlin Hayden, a spokeswoman for the Obama administration. "The president is determined to protect our nation against cyber threats."

EBay's Double Tax Base Prompts Calls for Investigation

Britain and Germany may have missed out on a combined \$1 billion in sales tax since online marketplace eBay picked a tiny Luxembourg office as its base for EU sales, a shift that lawmakers say should now be investigated.

EBay's nomination of Luxembourg unit eBay Europe Sarl - with a staff of nine - as its provider of services to EU clients allows it to charge customers in Europe a low rate of sales tax, often known as Value Added Tax, helping it to compete against rivals.

However, the unit doesn't actually receive the money from sales. Instead, eBay said it continues to channel revenues through a Berne-based unit, allowing the company also to benefit from what Swiss tax lawyers say is the most competitive corporate income tax regime in Europe.

EU rules allow companies to establish subsidiaries in Luxembourg and levy VAT at Luxembourg's low VAT rate on sales to customers across the bloc.

However, the rules also allow individual EU taxmen to challenge any claim to Luxembourg residence, and the right to charge Luxembourg VAT, in their domestic courts, if the taxman feels a Luxembourg-based subsidiary does not have sufficient staff or assets to support its claim to be the true supplier of goods or services.

Tax experts say eBay's arrangement, which appears to give eBay the best of both income and sales tax worlds, could be open to challenge, and lawmakers in the UK and Germany want their taxmen to investigate.

"I hope that HMRC (UK tax authority Her Majesty's Revenue and Customs) takes note ... and takes prompt action," said Margaret Hodge, member of parliament and chairman of the Public Accounts Committee (PAC), which monitors government finances.

"I will be seeking assurance that they are, next time we take evidence from HMRC," she added. Officials from HMRC are due to testify to the PAC in early December as part of the committee's investigation into tax matters.

Sven Giegold, member of the European Parliament for Germany's Green Party, said he wanted the German tax authorities to "have a very critical look at this".

It is common for companies to seek to reduce their tax bills, and a number of multinationals have established bases in Luxembourg so they can charge customers lower levels of VAT.

eBay said HMRC was aware of all its tax arrangements and that it was confident it met all its tax liabilities in the UK and elsewhere.

"In all countries and at all times, eBay is fully compliant with national, EU and international tax rules (including the OECD) including the remittance of VAT to the appropriate authorities," an eBay spokesman said in an emailed statement.

The UK, German, French and Luxembourg tax authorities declined to comment on eBay, citing rules on taxpayer confidentiality.

Big companies' tax practices have risen to the top of the political agenda in Europe in the past year, with lawmakers growing increasingly frustrated with the way in which companies such as search engine company Google pay almost no income tax in countries where they have billions of dollars in sales.

The companies escape liability for income taxes in countries like the UK by arguing the value created by their business, and therefore the location where the profit should be realized, is not the place where the customer resides, but rather in the location where the intellectual property underpinning the product or service is based.

Chas Roy-Chowdhury, head of taxation at the Association of Chartered

Certified Accountants, said this was a valid economic argument and that if, for example, HMRC wants to claim more income tax from Google, it has to prove the company is generating more value in the UK than it is declaring.

This would require a thorough deconstruction of its business model and supply chain.

However, it is easier to establish liability to VAT, since this tax hinges simply on the location of the buyer and seller.

"The threshold is lower," said Simon Newark, head of VAT at accountants UHY Hacker.

"There are a lot more aspects for HMRC to challenge in VAT than in direct (income) tax."

For tax purposes, the EU deems eBay's online platform an "electronically supplied service", a category that also covers e-Books and music downloads.

Under EU rules, suppliers of such services based within the bloc are supposed to charge EU customers VAT at the rate prevailing in the country where the supplier is based.

A number of suppliers of electronic services, including Amazon.Com Inc. and Apple Inc's iTunes have established European headquarters in Luxembourg to enable them to charge customers lower VAT rates than prevail in their customers' countries.

Luxembourg has traditionally charged the lowest standard VAT rates in the European Union. Its 15 percent rate compares with rates of 19-25 percent in most other EU members.

By charging customers VAT at Luxembourg's rate eBay is better able to compete with rivals based elsewhere in the EU, such as Britain's eBid, which must charge customers VAT at the standard UK rate of 20 percent.

However, to be entitled to charge Luxembourg rates, a company has to be able to prove in British, German or EU courts that it is genuinely based in the Grand Duchy.

Companies selling to EU customers from outside the EU - as eBay was until the 2007 nomination of eBay Europe Sarl as supplier to EU clients - must charge European customers VAT at the rate prevailing in the country where the customer resides, and to pay that VAT to the taxman in the customer's country.

There is no definitive checklist that determines the true base of a company and any decision by a national court can be challenged in the European Court of Justice. In the UK, HMRC said it approached the matter on a case-by-case basis, and disputes are often resolved in court.

"HMRC will challenge any arrangements where it is claimed that supplies are made from a particular country but the business does not have the necessary resources to make those supplies," a spokesman said.

EBay, which is headquartered in San Jose, California, moved into Europe in 1999 when it established eBay International in Berne. Switzerland's low income tax regime for foreign companies was highly beneficial for the

auction site. "We do have a very favorable international tax structure," then-Chief Financial Officer Rajiv Dutta told analysts in 2002 when asked how the company managed to pay such low taxes on its non-U.S. income.

The Swiss base also meant, initially, that the company didn't have to charge EU customers VAT. But in 2003, Brussels changed the rules, which forced eBay to charge EU sellers on its platform VAT based on their residence. The VAT gathered was remitted to the tax authority in the customer's country.

Not all customers are charged VAT. Most medium-sized and big businesses are legitimately exempted from paying VAT on some purchases, such as eBay seller fees.

eBay's Swiss-based European public relations head declined to say what portion of its EU customers were liable to be charged VAT. James Cordwell, equities analyst at Atlantic Equities, estimated that such customers accounted for 40-50 percent of sales in Europe.

Since the 2007 creation of its Luxembourg operation, eBay has had German fee revenues of \$6.1 billion and UK revenues of \$5 billion, its annual accounts show.

If the services were supplied from Switzerland or another non-EU country, and assuming only half of customers should have been charged VAT, EU rules would have obliged eBay to collect \$580 million in VAT for the German taxman and \$500 million in VAT for HMRC since 2007.

eBay's entitlement to charge Luxembourg VAT on sales and to pay this to the Luxembourg taxman rests on being able to prove in court that eBay Europe Sarl is the provider of services to EU clients.

But despite German and UK fee income of \$3.1 billion last year, eBay Europe Sarl recorded turnover of only 5 million euros in 2011.

John Hemming, an MP with the Liberal Democrats, the junior partner in the British coalition government, said the fact eBay's sales revenues did not go through the Luxembourg unit undermined the claim that it was the true provider of services to EU clients.

"If it's a real transaction, you would expect the money to pass with it, and not pass someplace else," he said.

Rather than going to Luxembourg, the money generated from customers continues to go to Berne-based eBay International AG, a spokeswoman said.

When Reuters visited in mid November, staff at the Luxembourg office, just opposite the central post office, declined to discuss what operations the unit conducted for eBay.

A spokesman later said the office conducted activities including billing, data privacy, contracting, regulatory, management and some customer services operations.

By contrast, Amazon and iTunes do report their sales of ebooks and music downloads to EU customers through their Luxembourg units.

Prem Sikka, professor of accounting at Essex University, along with Newark and Roy-Chowdhury said a cash trail through a unit was one of the key factors used as evidence that the unit was the true supplier of a

service.

UK and German tax authorities could argue that the shift in eBay's supply base to Luxembourg from Berne was therefore not genuine. If successful, they could claim back the VAT lost.

eBay declined to say why it channeled sales through Switzerland. Tax advisors say the country can still offer some companies lower tax rates than other European low-tax jurisdictions such as Ireland and Luxembourg.

Indeed, eBay's closest rival Amazon, which channels about half its non-U.S. earnings through Luxembourg, reported average income tax on overseas earnings of 6 percent in the past four years. eBay paid just 3 percent over the same period.

Windows 8 Selling Well Despite PC Slump

Microsoft says the latest version of its Windows operating system is off to a great start. Yet it remains unclear whether the revamped software will win over enough people to revive the slumping personal computer market.

About 40 million licenses to Windows 8 were sold in its first month on the market. Microsoft released the figure Wednesday in conjunction with the company's annual shareholder meeting held near its Redmond, Wash. headquarters.

But a prominent analyst who tracks Microsoft for Nomura Securities lowered his financial forecast for the company because he expects PC sales to continue faltering.

Although most of the world's PCs run on Windows, personal computers have been losing market share as more people embrace smartphones and tablet computers to consume and create digital content.

Microsoft's Surface Shaping Up To Be A Flop

When just about every other tech site on the planet saw a dud in Microsoft's Surface with Windows RT tablet, we saw gorgeous hardware and a great deal of potential. Even after using it for a month, we still found a lot to like about Microsoft's debut Windows slate and said if and when the company irons out Windows RT's wrinkles, the company could have a real winner on its hands. According to a new report, however, the Surface has been anything but a winner so far.

Citing unnamed sources within Microsoft's supply chain, Digitimes on Thursday reports that demand for the Surface isn't coming anywhere close to meeting Microsoft's early expectations. While limited launch supply caused some early excitement when preorders for the tablet sold out on Microsoft's website, shipments into channels have apparently been far slower than the Redmond, Washington-based company had hoped.

According to the report, Microsoft recently cut its orders with Far East supply chain partners in half. Digitimes sources say Microsoft had

initially called for 4 million Surface tablets to be built and shipped by the end of 2012, but that figure now sits at 2 million. For comparison since Microsoft has repeatedly positioned its Windows RT-powered Surface tablet as an iPad competitor Apple (AAPL) sold approximately 4.7 million iPads per month last quarter.

The report also notes that demand for Windows RT devices from vendors including Dell (DELL), Asus and Samsung (005930) has been weak, and the poor reception to Windows RT may force Microsoft to launch its Surface Pro tablet with Windows 8 ahead of schedule in December.

Specs Surface for Alleged Low-end \$99 Nexus 7

It s been rumored for a while that Google (GOOG) and ASUS (2357) are working on a \$99 Nexus tablet. Although benchmarks can easily be faked, a new GLBenchmark for a tablet identified as only ME172V and reportedly built by ASUS has popped up with specs well below those of the Nexus 7. According to the GLBenchmark, the entry-level Nexus 7 could have a 7-inch display with a 1024 x 600 pixel resolution display, 1GHz processor, 1GB of RAM, 8GB of internal storage, a 4270mAh battery and Android 4.1.1 Jelly Bean. Interestingly enough, the purported low-end Nexus 7 also has a micro SD card slot, which the original Nexus 7 does not. It s possible that the entry-level tablet could be an entirely new Nexus product, or even not a Nexus-branded tablet at all. In September, ASUS denied it was working on an entry-level Nexus 7 for Google.

India: 2 Policemen Suspended for Facebook Arrests

Two senior policemen in the western Indian state of Maharashtra were suspended Tuesday for arresting two women over a Facebook post criticizing the shutdown of Mumbai for the funeral of a powerful politician last week.

The policemen were suspended indefinitely and the magistrate who registered the case against the women was transferred to another district, state Home Minister R.R. Patil told reporters.

Police also arrested nine men who vandalized a medical clinic run by the uncle of one of the women, Patil said.

One of the women had posted a Facebook comment complaining that Mumbai had come to a standstill after the death of rightwing leader Bal Thackeray "due to fear, not due to respect" for the politician. Her friend "liked" the post.

Shops and offices were closed and public transport stopped running in Mumbai, India's financial and entertainment hub, after the death of Thackeray, a Hindu extremist leader linked to waves of mob violence against Muslims and migrant workers in the city.

The women later withdrew the Facebook comment and apologized, but a mob of Thackeray's supporters forced their way into the medical clinic and smashed the operation theater and medical equipment as patients and nurses fled.

The arrest of the two women sparked outrage across India and was seen as flagrant misuse of Internet laws and an attempt to curb freedom of expression. They were released on bail a day after their arrests.

Twitter in Legal Spat over Data Clampdown

Twitter Inc's steadily tightening grip over the 140-character messages on its network has set off a spirited debate in Silicon Valley over whether a social media company should or should not lay claim over its user-generated content.

That debate has now landed in court.

A San Francisco judge on Wednesday granted a temporary restraining order compelling Twitter to continue providing access to its "Firehose" - the full daily stream of some 400 million tweets - to PeopleBrowsr Inc, a data analytics firm that sifts through Twitter and resells that information to clients ranging from technology blogs to the U.S. Department of Defense.

As part of a broader revenue-generating strategy, Twitter in recent months has begun clamping down on how its data stream may be accessed, to the dismay of many third-party developers who have built businesses and products off of Twitter's Firehose.

PeopleBrowsr, which began contracting Firehose access in July 2010, has continued to buy Twitter data on a month-to-month basis until this July, when Twitter invoked a clause in the agreement that allowed for terminating the contract without cause.

The court's decision to extend the two San Francisco-based companies' contract has not settled the legal spat; a judge will hear PeopleBrowsr's arguments for a preliminary injunction against Twitter on January 8.

But the case could provide the first, in-depth look at issues surrounding one of the Internet industry's most prominent players in Twitter.

In a court filing, PeopleBrowsr founder John David Rich argued the Twitter move was a "commercial disaster" for his business and contradicted the spirit of repeated public statements that Twitter has made regarding its data.

"Twitter has repeatedly and consistently promised that it would maintain an 'open ecosystem' for its data," Rich said in his company's request for a temporary injunction.

In its response, Twitter's lawyers argued: "This is Contracts 101."

Twitter said in a statement after the court decision: "We believe the case is without merit and will vigorously defend against it."

Family Learns of Student's Death on Facebook

The parents of a south Georgia college student first learned from Facebook

that their daughter had been found dead in a dormitory study room shortly before Thanksgiving. Now, they hope that Facebook and other social media sites can help solve the death of 17-year-old Jasmine Benjamin, which police are investigating as a homicide.

The Valdosta State University freshman was found unresponsive on a study room couch on Nov. 18.

A family friend forwarded the Facebook post about the teen's death to her parents before they were officially notified by authorities, said A. Thomas Stubbs, an attorney for the victim's mother, Judith Brogdon, and her stepfather, James Jackson. But many questions remain unanswered about how she died.

The family has hired a private investigator, and a new Facebook site has been set up in hopes that students and others might share tips.

While some Facebook comments have already been turned over to law enforcement officers, the family hopes friends, classmates or others who noticed suspicious comments will also alert authorities.

"Anything that reveals a little more information than what's publicly known about her death, those are the kind of comments police are looking for as someone who might warrant a closer examination," Stubbs said.

Also of interest are "unusual comments or unusually timed comments about her death," he said.

Police detectives have canvassed dormitories and interviewed several students on the campus, located about 250 miles south of the family's home in Gwinnett County, outside Atlanta.

Benjamin wanted to follow the career path of her mother and become a nurse.

Police say they're treating the case as a homicide, though autopsy results are not complete and they can't say for certain whether she was killed. There were no obvious signs of a crime when her body was found, but an autopsy raised questions, authorities have said.

"We're providing what resources are necessary to assist Valdosta State University police in solving this crime," Georgia Bureau of Investigation spokesman John Bankhead said. "The crime lab is expediting evidence from this incident."

Shortly after Benjamin's parents learned of her death from Facebook, Lawrenceville police officers knocked on the doors of the family home to inform them officially that their daughter was dead, Stubbs said.

"As frustrating as that may be for the family to learn that way, they understand it's a different world," Stubbs said.

The family has yet to learn the possible timeframe of when their daughter died, and police have not shared any theories about how she was killed, Stubbs said.

"We know that they have looked at the phone records, video records that they can find in the school," he said. Beyond that, they've been going through legal procedures that are required to obtain records from Facebook Inc.

The family hired Martinelli Investigations Inc. of Lawrenceville to assist in the investigation.

Private investigator Robin Martinelli said Wednesday that any video near the scene, even if may seem insignificant, could prove helpful in the investigation.

"It wouldn't matter if it was two weeks before, two hours before or 20 minutes before," she said.

Martinelli said she's confident that police are working diligently to follow up on leads, but private investigators can often provide valuable assistance, she said.

"On any homicide, they're going to work around the clock aggressively every minute, and they're doing that," she said.

She said Jasmine Benjamin was a strong student who showed great potential. "Her favorite color was purple, her nickname was Jazzy," she said.

"She wanted to help people, plain and simple," her stepfather, James Jackson, told WSB-TV. "That was her goal in life. That's all she talked about since she was young 'I want to be able to help people.'"

Valdosta State campus police, city police and the GBI were working together to conduct interviews and collect evidence, the university said in a statement Tuesday. University officials said they couldn't release any further information.

Martinelli hopes students away at college keep in touch with their parents and give them the passwords to social networking sites and their cell phones in case anything happens.

"If you have passcodes to your computer, your phone, please tell your parents," she said. "Don't tell everybody in the world, but tell your parents your passcodes."

She said some of the best advice parents can give students is this: "They should listen to their gut," she said. "If they walk into a situation and it's not feeling right, leave."

How To Stop Viruses from Crashing Your Computer

Last month, the social-media team at Russia's Kaspersky Lab decided to run a contest leading up to Halloween.

It asked Kaspersky's Facebook friends to share their scariest stories about computer crashes caused by malware. The prize was a year's free subscription to a Kaspersky Lab security product.

Seventy-four people participated, and five were declared winners (or losers, depending on how you look at it) and awarded their prizes.

Kaspersky Lab shared three of the winning stories, as well as tips and lessons learned, to educate the public on ways to prevent these scenarios

from happening again.

Jean's Story

Trying to keep up with two pre-teen children during the 1990s, Jean quickly needed to learn the basics of the computer in order to know what her kids were getting into online.

As part of her getting up to speed, her boys thoughtfully bought her a "Civilization"-type game.

As she was building her Egyptian empire, her screen suddenly went blue. Not knowing anything about the infamous Windows "blue screen of death," Jean popped the game out of the CD drive and rebooted the computer, thinking the game had some kind of glitch.

Not so much. Unfortunately, Jean was then informed that she had contracted the Bugbear email worm and in less than a minute her computer was going to shut down.

Tips & Lessons Learned

The Bugbear worm (also known as Tanatos) is still active today in different variations. It infects computers through malicious email attachments, which is how Jean got infected, according to Kaspersky.

You can protect yourself from the Bugbear worm by never opening any suspicious emails, either as previews or by opening the whole message, according to Kaspersky researchers.

Instead, install and run a strong Internet security suite that includes anti-virus software and anti-spam and exploit-prevention capabilities.

Pam's Story

Pam got her first computer in the mid-1990s, but, unfortunately, she didn't do all her due diligence before she bought it.

Without any anti-virus software or spyware downloaded, and without any files backed up, Pam was totally out of luck when her computer crashed. With money from a tax refund, she bought a brand-new computer.

But despite Pam's past experiences, her new computer eventually crashed as well, resulting in more lost files. Pam next bought a laptop, and then another new desktop, and then another.

Several computers later, Pam claims she's finally learned her lesson.

Tips & Lessons Learned

Pam should have made sure that all her software, including browsers, plug-ins and operating system, was updated with the latest security settings to stop malicious websites from exploiting vulnerabilities.

A trusted anti-virus software suite with a two-way firewall, which screens incoming and outgoing network traffic, will also help protect the user by blocking certain malicious subdomains. Anti-virus software can also issue warnings to the user before he or she points a browser to a malicious website.

Every user should back up all his or her files. That's another piece of good advice that most people ignore, according to Kaspersky researchers.

But if the day comes when your computer is hacked into, lost or destroyed, you will jump for joy when you realize a that lifetime's worth of photos, music, resumes and Web bookmarks aren't lost forever.

There are plenty of online backup options available. Alternately, you can buy an external hard drive that's a bit bigger than your computer's hard drive, and "clone" your computer's drive to the external drive once a month.

Larry's Story

Larry was doing the usual stuff on eBay, browsing items and doing some shopping.

But this time, things seemed different. While he was looking at an item, he was whacked with a fake security scan. In a fraction of a second, his PC went black and he couldn't do a thing with it.

Tips & Lessons Learned

Don't be fooled by rogue or fake anti-virus pop-ups that claim your system is infected. These fraudulent notifications can come from multiple sources on the Internet.

Generally, fake anti-virus programs will try to scare you, which is why they're also called "scareware."

Usually a pop-up will appear, notifying you that your system is infected with a virus and inviting you to click and remove it.

But when you click on the pop-up, you in fact download malware. Bingo your computer is infected and you've been scammed into giving your credit-card information to continue with the fake "removal process."

The number of rogue anti-virus programs is huge. Kaspersky Lab detects hundreds of thousands of them every month.

Here are some tips to help you protect you against malicious pop-ups:

Don't click on pop-up windows, even if they haven't been blocked by the browser security or other security solutions. Only your legitimate, installed anti-virus software should be giving you security warning messages. As for infection warning messages that appear randomly while you're browsing the Internet, ignore them.

Legitimate programs designed to combat malware will never first scan a computer and then demand money for activation. You should never pay for a product that does this, according to Kaspersky researchers. Rather, install a genuine anti-virus solution developed by a well-known anti-virus company and use it to scan and clean your computer.

Facebook Hacks Its Employees to Teach Lessons on Cyberattacks

When Facebook teaches its staff about how to detect and prevent

cyberattacks, there isn't some hum-drum Power Point presentation. Instead, it hacks its own employees.

The company told Mashable it recently celebrated its second-annual "Hacktober," a month-long event in October which features a series of simulated security threats attacking staffer computers to see who would fall for them and who would report the issues.

If employees reported a phishing scam or security threat developed by Facebook - which showed up throughout the site or sent to company email addresses - they received a prize such as a Facebook-branded shirt, bandana or sticker. If the security threat went unreported or was clicked, staffers would undergo further training.

"Webinars don't exactly fit in well here, so we wanted to do something unique in line with our hacking culture to teach employees about cybersecurity," Ryan McGeehan, a director on Facebook's security team, told Mashable. "We took the theme of October, fear and pranks and created something that is both fun and educational."

Hacktober was also a part of a greater effort to celebrate October as National Cyber Security Awareness month.

Threats, which were designed by Facebook's engineering team, were issued to groups within the company based on what they might encounter while doing their job. Each hack was explained afterward to reveal what happened and how employees could prevent similar incidents from spreading in the future.

For example, Facebook developed a worm in the form of a fake Facebook news story that demonstrated how quickly spam can spread across the site.

"We launched a worm to simulate some of the spam campaigns we see on Facebook and other sites, and this was our grand finale," McGeehan said. "Within minutes, we were overwhelmed with reports from employees and it was a wild success."

McGeehan noted it also allowed Facebook to test tools used for reporting suspicious activity and refine its policy systems.

"People don't always lock their doors until they have been robbed," McGeehan said. "It's easy for cyber security awareness month to go by like a trip to the dentist, so we wanted to do something with an impact and not have the security team talk down with tips to the rest of the staff."

Jenn Lesser, an operations manager on Facebook's security team who worked with the internal events and design on the project, said using the month to teach proactive strategies has already proven to be extremely valuable.

"The biggest challenge we face with security awareness is employees in general don't care about it until there is an issue, and at that point, it's too late," Lesser said. "Hacktober gives people a real world-like event and encourages people to respond. If you give them a quick quiz about security, you won't get the type of engagement we do on an ongoing basis. People are still posting to an internal group about how to respond to issues."

At the end of the month, Facebook treated workers to a Hacktober-themed Happy Hour and a pumpkin carving.

Windows XP Countdown Clock Ticks under 500 Days

Windows XP has fewer than 500 days left to live, according to Microsoft and third-party countdown clocks.

Microsoft will end support for XP on April 8, 2014, when it will issue a final security update for the 11-year-old operating system.

XP countdown clock

Microsoft offers an XP countdown clock where it's least needed: On Windows 7.

On Saturday, the retirement countdown clocks offered by Microsoft and others flipped from 500 to 499 days, or a shade under 17 months.

Microsoft provides a countdown gadget for Windows XP's support demise. Ironically, the gadget runs only on Windows 7, the 2009 OS that most customers have adopted after departing XP.

Camwood, a U.K.-based company that specializes in helping businesses migrate their machines to newer operating systems and software, has posted a similar clock on its website. Like Microsoft's gadget, Camwood's also showed 499 days remaining on Saturday.

When Microsoft pulls XP's plug, it will have maintained the operating system for 12 years and five months, or about two-and-a-half years longer than its usual practice. That's also a record, replacing the previous Methuselah, Windows NT, which received 11 years and 5 months of support.

XP's long life was caused in large part by the debacle that was Windows Vista, an oft-delayed operating system that was ultimately rejected by most XP users for being buggy, sluggish or lacking in driver support. Instead, those customers waited for the next iteration, Windows 7, which has been as much a success as Vista was a failure.

According to Web metrics company Net Applications, Windows XP powered 40.7% of the world's desktop and notebook personal computers that went online last month. Windows 7, which passed its ancestor only in August, held a usage share of 44.7% in October.

Meanwhile, Windows Vista, which peaked at 19.1% in October 2009, the same month Windows 7 debuted, now accounts for just 5.8% of all systems.

Microsoft has remained adamant that XP will exit support in April 2014, and has urged customers to upgrade as soon as possible. But countdown clocks notwithstanding, analysts have predicted that XP will be used by millions well after that deadline.

Last month, for instance, Gartner analyst Michael Silver said "there's a good chance" that between 10% and 15% of enterprise PCs will be running XP after April 2014.

Computerworld's forecasts have been overly optimistic about XP's decline. In mid-2011, Computerworld predicted that Windows XP would account for 38% in the third quarter of 2012, three percentage points lower than the eventual number.

Current estimates based on Net Applications' data indicate that come April 2014, Windows XP will be running between 27% and 29% of the world's computers.

"The end of XP support is a potential time bomb," Camwood said last week. "And the clock is ticking."

Windows XP users who want to create a countdown clock on their desktops can install one of several free utilities - including TimeLeft from Canadian developer NesterSoft - then set the countdown target at 10 a.m. PT on April 8, 2014. (Microsoft shoots for a 10 a.m. PT release for each month's security updates.)

Windows Blue Is Microsoft's Future Low-cost OS with Yearly Updates

Microsoft is busy preparing its next-generation Windows client, shortly after shipping Windows 8 in October. The Verge has learned from several sources familiar with Microsoft's plans that the company is planning to standardize on an approach, codenamed Blue, across Windows and Windows Phone in an effort to provide more regular updates to consumers.

Originally unveiled by ZDNet, the update on the Windows side, due in mid-2013, will include UI changes and alterations to the entire platform and pricing. We're told that Microsoft is aiming to make Windows Blue the next OS that everyone installs. The approach is simple, Microsoft will price its next Windows release at a low cost or even free to ensure users upgrade. Once Windows Blue is released, the Windows SDK will be updated to support the new release and Microsoft will stop accepting apps that are built specifically for Windows 8, pushing developers to create apps for Blue. Windows 8 apps will continue to run on Blue despite the planned SDK changes.

We understand that you will need a genuine copy of Windows to upgrade to Windows Blue. Built-in apps and the Windows Store will cease functioning if a copy is upgraded that is pirated. Sources tell us that Microsoft will likely keep the Windows 8 name for the foreseeable future, despite the Windows Blue update. A big part of Windows Blue is the push towards yearly updates for Microsoft's OS. Microsoft will kick off an annual upgrade cycle for Windows that is designed to make it more competitive against rival platforms from Apple and Google.

We reached out to Microsoft for comment, however a company spokesperson refused to discuss Windows Blue.

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